

April 19, 2017

Principal Lonnie Seifert
New Prague High School
221 12th Street NE
New Prague, MN 56071

By electronic mail: lseifert@isd721.org

Dear Principal Seifert,

As organizations dedicated to protecting free artistic expression, we write to address New Prague High School's decision to cancel a production of *The Foreigner* due to concerns over a controversy arising from a social media post with an image of some of the play's characters, who are members of the Ku Klux Klan. The decision to cancel the production rather than simply postponing it in order to create a richer educational context around the play, raises significant educational and First Amendment concerns. We urge New Prague High School to reverse its decision and allow the play to proceed along with appropriate educational programming.

The Foreigner is a popular comedy in which guests at a rural lodge in Georgia presume a shy Englishman cannot speak English. Members of the Klan, whom the play presents as cruel antagonists, appear in their infamous white robes towards the end of the show and are driven away by the Englishman. The play is frequently performed in high schools and colleges.

It is our understanding that the play was cancelled as a direct result of a social media post that contained out-of-context photos of actors portraying the Klan alongside the caption "I think you're gonna want to come to the spring play." This post was made only a week before the scheduled performances of *The Foreigner*. In an email to students and parents, Principal Lonnie Seifert and Assistant Principal Tom Wetschka noted the "insensitive nature of the post" and stated that "it is in the best interest of New Prague Area Schools not to perform the play this weekend." The play's director, Ben Thietje, echoed this in an email to NCAC, explaining that "due to the nature of last week's post on social media, a performance this weekend would not have resulted in a positive experience for any students."

Mr. Thietje stated that the cancellation "was not an issue of censorship." However, the play was cancelled solely because of fears that community members would react negatively to its content. Indeed, school officials were well aware when they selected the play that the Klan would make an appearance, yet they selected the play anyway, presumably because they considered it of educational benefit to students. The

Joan E. Bertin
Executive Director

**NCAC PARTICIPATING
ORGANIZATIONS**

Actors' Equity Association
American Association of
School Administrators
American Association of
University Professors
American Association of
University Women
American Booksellers for Free
Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators
Association
American Orthopsychiatric Association
American Society of Journalists &
Authors
Americans United for Separation of
Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center
People For the American Way
Planned Parenthood Federation
of America
Project Censored
SAG-AFTRA
Sexuality Information & Education
Council of the U.S.
Society of Children's Book Writers
& Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

cancellation is thus no different from taking down a painting that offends some of its viewers or banning a book that offends some of its readers.

While New Prague High School can and should take measures to prevent racism from creating a hostile learning environment, the cancellation of the play does nothing to further this objective. A representation of the Klan in the context of a play is not an endorsement of its ideas, but an opportunity to develop a critical position towards these ideas. Hence, the cancellation of *The Foreigner* suggests to students that a mere depiction of a group whose ideas are broadly disliked is grounds for censorship.

This decision creates a dangerous slippery slope. Numerous great plays have actors wearing costumes that some students may find disturbing. For instance, Nazis feature prominently in *The Sound of Music* and *The Producers*. The cancellation of *The Foreigner* suggests that such material is unsuitable for educational use at New Prague High School.

Cancelling a play because of its presentation of allegedly offensive ideas also raises First Amendment concerns. Various courts have cautioned that schools may not censor educational programming out of objections to the ideas contained therein. The Eight Circuit, which includes Minnesota in its jurisdiction, has recognized that such censorship creates an unconstitutional “chilling effect” on First Amendment rights *Pratt v. Independent School District No. 831* 670 F. 2D 771, 779 (8th Cir., 1982). Similarly, the Ninth Circuit has held that students have a constitutional right to read books (and presumably to perform plays) that will originally selected for their “legitimate educational value” *Monteiro v. Tempe Union High School District* 158 F. 3d 1022, 1029 (9th Cir, 1998).

While we understand that the school may not have been prepared for the controversy precipitated by the social media post, it could have postponed the play so as to create programming around it. In our experience, similar concerns (around productions of *To Kill a Mockingbird* or *Of Mice and Men*, for instance) have best been confronted through dialogue rather than censorship. The school could sponsor learning activities designed to explore the complex relationship between racism, theater, comedy, and history. Students who participate in these activities will better understand the context of *The Foreigner* and the controversy surrounding it. We would be happy to help you develop such activities.

Sincerely,



Svetlana Mintcheva, Director of Programs
National Coalition Against Censorship



Ralph Sevush, Executive Director of Business Affairs
Dramatists Guild



Howard Sherman, Director
Arts Integrity Initiative